

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

SCOTT D.H. REDMAN, individually and on behalf))	
of all others similarly situated,)	
)	
Plaintiff,)	No. 11 C 9044
)	
v.)	Magistrate Denlow
)	(consent filed)
TAKE CARE HEALTH SYSTEMS, LLC, a)	
Delaware limited liability company, and)	
TAKE CARE HEALTH ILLINOIS, P.C.,)	
an Illinois corporation,)	
)	
Defendants.)	

**JOINT SUBMISSION OF MATERIALS IN SUPPORT OF
FINAL APPROVAL OF THE CLASS ACTION SETTLEMENT AGREEMENT**

Plaintiff Scott D.H. Redman and Defendants Take Care Health Systems, LLC and Take Care Health Illinois, P.C., by and through their respective attorneys, hereby state as follows:

1. On May 23, 2012, this Court entered a Preliminary Approval Order (“Order”) [DE 35] preliminarily approving the parties’ proposed Class Action Settlement Agreement and Release (“Agreement”) [DE 27-1].

2. Pursuant to the terms of the Agreement and the Order, notice was provided to the Class by first class mail, postage prepaid. *See* Declaration of Tricia Solorzano Re: Notice Mailing and Settlement Administration, at ¶3, Exhibit 1.

3. In response to the Class Notice, 0 class members objected to the settlement and 36 class members excluded themselves from the settlement. *Id.* at ¶¶11; *see also* Certification of Paul F. Markoff (“Markoff Cert.”) at ¶15, Exhibit 2.

4. For a relatively small number of individuals that Defendants had initially identified as class members, Defendants’ records listed only the address of the Take Care Clinic the

individual visited rather than the customer's own address. The problem was discovered when some class notices were sent to certain Take Care Clinics. This appears to have happened because those individuals were visiting the U.S. from foreign countries and the database used by the Take Care Clinics did not accommodate entry of foreign addresses (with, for example, letters as well as numbers in the ZIP Code field). Therefore, staff at certain Take Care Clinics entered the clinic address in the address field for those visitors. Upon those Clinics receiving the notices, and Defendants being unable to locate valid addresses for those people, the parties agreed to exclude those 87 individuals from the class, subject to Court approval. *See* Markoff Cert., at ¶16.

5. Pursuant to the Agreement, Plaintiff is to be paid an incentive award of \$5,000 from the Settlement Fund and Class Counsel are to be paid 30% of the Settlement Fund (\$450,000) for attorneys' fees and costs, subject to court approval. Plaintiff submits the separate *Plaintiff's Brief in Support of Request for Attorneys' Fees*.

6. Plaintiff incorporates herein by reference *Plaintiff's Memorandum in Support of Joint Motion for Preliminary Approval of Class Action Settlement Agreement* [DE 29].

7. The parties, therefore, request that this Court grant final approval to the Agreement and enter the proposed Final Approval Order, attached as Exhibit 3.

WHEREFORE, the parties request that this Court enter the parties' proposed Final Approval Order.

SCOTT D.H. REDMAN,
Plaintiff,

TAKE CARE HEALTH SYSTEMS, LLC,
and TAKE CARE HEALTH ILLINOIS, P.C.,
Defendants,

By: s/ Paul F. Markoff
One of his attorneys

By: s/ Bradley J. Andreozzi
One of its attorneys

Paul F. Markoff
Karl G. Leinberger
Markoff Leinberger LLC
134 N LaSalle St Ste 700
Chicago, IL 60602
312.726.4162 (p)
312.674.7272 (f)
paul@markleinlaw.com
karl@markleinlaw.com

Bradley J. Andreozzi
Chancé L. Cooper
Drinker Biddle & Reath LLP
191 N Wacker Dr
Chicago IL 60606
312.569.1000
312.569.3173 (f)
bradley.andreozzi@dbr.com
chance.cooper@dbr.com

CERTIFICATE OF SERVICE

I certify that I served a copy of this *Joint Submission of Materials in Support of Final Approval of the Class Action Settlement Agreement* on the following electronically by using the CM/ECF system on this 28th day of August, 2012:

Bradley J. Andreozzi (bradley.andreozzi@dbr.com)
Chancé L. Cooper (chance.cooper@dbr.com)
Drinker Biddle & Reath LLP
191 N Wacker Dr
Chicago IL 60606

s/ Paul F. Markoff
Paul F. Markoff